
Appeal Decision

Site visit made on 3 August 2016

by R J Marshall LLB DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 September 2016

Appeal Ref: APP/D0840/W/16/3150324

Land NNW of White Croft, Nancledra Hill, Nancledra, Penzance, Cornwall, R20 8NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Helen Downing (Cornwall Community Land Trust Ltd) against the decision of Cornwall Council.
 - The application Ref PA15/07301, dated 5 August 2015, was refused by notice dated 17 November 2015.
 - The development proposed is Residential development mixed tenure 4 open market and 7 affordable, open space together with potential location for future community shop.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ms Helen Downing (Cornwall Community Land Trust Ltd) against Cornwall Council. This application will be the subject of a separate Decision.

Background

3. Nancledra is a small village located in a valley setting on the B3311 between St Ives and Penzance. Much of the area around the village, including the appeal site, is within the Cornwall Area of Outstanding Natural Beauty (AONB). The appeal site is in open countryside on the edge of the village and not within a settlement boundary. It is thus in an area where the Council would not normally permit new housing. The proposal is put forward as a "rural exception site". The majority of the development would be for affordable housing and there would be a small proportion of market housing to help subsidise it.

Main Issues

4. The main issues in this appeal are: **first**, the effect of the proposed development on the character and appearance of the surrounding area, including the AONB; **second**, whether satisfactory living conditions would be provided for future occupants of the proposed development; and **third**, if harm is found on the above issues whether it would be outweighed by other material considerations.

Reasons

Character and appearance

5. Nancledra is a generally attractive village with its historic core of cottages, and a few more substantial community buildings, fronting the B3311 on the valley bottom. On the eastern side of the village, going up the valley side, is some more modern housing, including a 1950s style terrace. To the west is a small development of housing under construction which goes up the lower slopes of the valley. This development arises from the fact that the site benefited from a planning permission granted many years ago and on which development had commenced. The newer development on the valley sides detracts somewhat from the rural setting of the village. However, this would not justify further unacceptable harm, especially given the setting of the village within the AONB.
6. The appeal site lies just beyond the northernmost house in the village when travelling uphill, away from its main built-up area, on the B3311 towards St Ives. The site comprises a large field to the west of the road which has a fairly substantial slope down to the valley bottom. Setting aside the house to the south the site is surrounded by open countryside. The land on the opposite side of the B3311 lies outside the AONB but is nevertheless attractive open countryside. In the vicinity of the site there are, amongst other things, steep valleys, woodland, pasture and rounded hills. They are all features identified in the Cornwall and Isles of Scilly Landscape Character Study Penwith Central Hills.
7. The proposed development would have a roughly centrally located access onto the B3311. To the north of the access would be an area of open space. The application plans indicate the potential for part of this area to provide a community shop. However, such provision does not form part of this application. To the south of the access, and fronting the B3311, would be 2 semi-detached houses and a terrace of 3 houses. The remainder of the houses would be at the back of the site on lower lying land.
8. The house directly south of the appeal site forms a clear edge to the northern part of Nancledra. This is so notwithstanding the location of the 30mph limit signs and welcome to the village signs further to the north. Given this, and the rising land on which the appeal site lies surrounded by open countryside, the proposed development would constitute a considerable intrusion into the rural area beyond the village. The proposed development would be more visible and intrusive than the appellant acknowledges. In part because of the incursion into, and part removal of, the existing roadside hedgerow to form the new vehicular access and necessary sightlines. Even with a replacement hedge behind the sightlines this would result in a more urbanised appearance to this part of the B3311 on the entrance to the village.
9. In addition, even though a replacement frontage hedge would provide some screen to the new houses they would be clearly visible in the gap created by the new access and looking down the access road. The Council alleges that, being on high ground, the proposed development would also be seen from the B3311 when entering Nancledra from the south. From what I saw this would not be so. Nor, without more substantial evidence, can I be certain that the proposed development would be seen, as the Council alleges, from footpaths and roads in the area on high ground. However, from what I saw, it is likely

that in the winter months it would stand out intrusively from the area in the vicinity of the new housing under construction to the west of the village.

10. Given the above, I am no doubt that the proposed development would constitute a significant incursion into the countryside beyond the existing settlement to an extent that would seriously detract from the character and appearance of the surrounding area. Added weight is given to the harm that would thereby arise by the layout and design of the proposed development. This is because of a rather suburban cul-de-sac layout out of keeping in this rural area, with an excess of hard surfacing, and the rather fussy detail design of the front elevations of the proposed houses. In arriving at my view on harm I attach little weight to the appeal decision in Mevagissey, APP/D0840/W/15/3139301. For, whilst some comparisons may be drawn between this scheme and the one before me there also appear to be substantial difference in terms of the location of the site and the form of the development.
11. It is concluded that the proposed development would detract from the character and appearance of the surrounding area including the ANOB in which the site is located. As such it would be contrary to Policies GD-1 and GD-2 of the Penwith Local Plan (2004) which require new development to integrate with its surroundings and respect the traditional character of the locality and to Policy PD8 of the Cornwall AONB Management Plan 2011-2016 (2011) which requires new development in AONBs to be of high quality, appropriate in terms of location, compatible with the landscape and not to harm the natural beauty and character of the area. In arriving at this conclusion I appreciate that the proposed development initially had some officer support. However, my conclusion is derived from all the evidence before me and all that I saw.

Living conditions

12. The proposed houses on plots 5 and 6 would have notably short back gardens. The side elevation of the adjoining terrace would be close up to the rear garden fence of these properties. As a result outlook from the rear of houses would be poor. And the front of these houses would face directly onto a parking court. Thus outlook from this direction also would be poor. As a consequence unsatisfactory living conditions would be provided for the occupants of plots 5 and 6 and I conclude accordingly on this issue. Thus there would be conflict with the National Planning Policy Framework (the Framework) in so far that it seeks to ensure a high quality built environment.

Other material considerations

13. The key consideration is the provision of affordable housing. On this some of the background needs to be outlined. After carrying out a Housing Needs Survey in 2012, in conjunction with Cornwall Council, Towednack Parish Council, in which Nancledra lies, identified the appeal site as a potential site for affordable homes and a community shop. A planning brief was then prepared by Cornwall Council's Affordable Housing Communities Team in partnership with the Parish Council. This brief was produced in draft in June 2012 and did not go beyond draft stage.
14. In 2012 the Parish Council conducted a Housing Needs Survey in partnership with Cornwall Council. The results of the survey were published in February 2013. The survey found a good level of support generally for more affordable

housing. On the need for such housing the report refers to 5 existing households needing to move and 10 emerging households needing their own home. It was also found that the majority of those surveyed could prove the necessary local connection and that a majority wanted to buy or have shared ownership properties, with only 20% wishing to rent.

15. In January 2013 the appellant was invited to a Parish Council meeting to discuss how an affordable housing project could be developed. This ultimately, following regular updates to the Parish, led to the proposal before me. In May 2015 Cornwall Council published a summary of the results of a further Housing Needs Survey arising from a public consultation event in March 2015. Eight households attended, all of whom said they required affordable housing and had a local connection. On tenure there was a strong preference for intermediate sale, whatever the position may be elsewhere in Cornwall, which is what the appellant is offering.
16. From the above it seems that there is a demand for affordable houses in the Parish, of type that the appellant is seeking to provide, from those with a local connection. On whether they could afford to buy the houses 88% of the households indicated that they could only afford to pay between £50,000 and £150,000. The appellant is seeking to provide the intermediate affordable housing at between £90,000 and £150,000. Without a more detailed breakdown of the survey it is impossible to judge how many households would fall in this bracket. However, despite the various concerns raised on this matter by the Council, I consider it unlikely that the appellant, a not for profit body whose charitable primary objective is the provision of affordable homes, would have progressed so far if they were not satisfied that the scheme is viable and that they could sell the houses. I note the Council's detailed evidence on this, its concern on the level of discounting and its reference to the target price for intermediate affordable housing set out in the Council's draft Affordable Housing SPD. However, I attach little weight to this document, given that it is only in draft form, and on balance consider that the proposal would meet an affordable housing need. And from all that I have read and seen it is apparent that physical and landscape constraints greatly constrain the prospects of finding an alternative site.
17. I have had regard also to the provision of housing generally. The National Planning Policy Framework (the Framework) seeks to boost significantly the supply of housing. If Council's cannot demonstrate a 5-year supply of deliverable housing sites relevant policies for the supply of housing should not be considered up to date. Then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The Council's initial stance was that it did not have a 5-year housing land supply. However, it now says, with substantial evidence, that it has such a supply and this is not contested by the appellant. In these circumstances the presumption in favour of development would not apply.
18. A more minor factor put forward in favour of the proposal is that it would provide an improved pedestrian route to the local school. However, in so far that I could see this will be over such a short length of the route as to confer at best only a most marginal advantage.

Other matters

19. I note concerns about the way the application was determined and procedures followed. However this is not within my remit and they do not alter my conclusions on the merits or otherwise of the case before me.

Overall balancing

20. Drawing together my views I have found some, albeit modest, harm in relation to the living conditions of future occupants. I have found substantial harm to the AONB. I do not consider the proposal to be a major development to which paragraph 116 of the Framework applies, which prohibits such development other than in exceptional circumstances. However, paragraph 115 of the Framework remains to be considered. This says that great weight should be given to conserving landscape and scenic beauty in AONBs and the development plan adopts a similar approach. On the other hand there is the requirement in the Framework and the development plan on the need to be responsive to local circumstances and for allowing housing development which meets local needs on, for example, rural exception sites. Thus 2 important considerations are in conflict. In this case such is the harm that would be caused to the AONB that this must be the decisive factor in my decision. Although providing certain economic and social benefits the proposed development would not, seen in the round, be sustainable development .

Conclusion

21. For the reasons given above it is concluded that the appeal should be dismissed.

R J Marshall

INSPECTOR